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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,741	01/04/2002	David Betz	GENSP028	3598
22434	7590	02/23/2007	EXAMINER	
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			REKSTAD, ERICK J	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	02/23/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/040,741	BETZ ET AL.	
	Examiner	Art Unit	
	Erick Rekstad	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 9 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 9, and 21-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Non-Final Office Action for application no. 10/040,741 in response to the RCE filed December 20, 2006 wherein claims 1-5, 9, and 21-26 are presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 9, and 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 9, 21, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,600,775 to King et al. in view of US Patent 5,457,478 to Frank.

[claims 1, 4, 9, 21, 24 and 26]

As shown in Figure 1, King teaches a video presentation tool kit and method for creating an annotated video presentation formed of a number of linearly associated video frames; comprising:

A user activated designation tool for designating at least a portion of at least one of the number of video frames (Col 4 Lines 20-57) Note: the annotation is for the video frame which satisfies the at least a portion of the frame. King further states providing an

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annotation at a specific location in the frame which provides support for portion smaller than a whole frame (Col 2 Lines 54-58 and Col 9 Lines 41-44);

An annotator tool arranged to generate a set of op code instructions used to annotate the designated video frame portion (25 Fig 1, Col 4 Lines 44-57, Col 5 Lines 26-31, Col 6 Lines 8-14, Col 9 Lines 11-15); and

A processor arranged to receive the op-code instructions and execute the received op-code instructions wherein the executed op-code instructions cause the processor to modify the video frame information corresponding to the designated video frame portion (10 Fig. 1, Col 4 Lines 1-9, Col 6 Line 51-Col 7 Line 13);

An authoring tool arranged to provide additional effects to enhance the video content modifications of the designated video frame portion, wherein the executed op-code instructions can be used to modify any appropriate video frame information and are thereby independent of any particular video frame information (Col 5 Lines 32-52).

Further, King teaches the designation tool is a pointer icon as required by claim 4 (27 Fig 1, Col 4 Lines 64-65).

As shown in Figure 1, King further teaches the user activated designation tool is activated by way of a user provided command via an input device selected from a group consisting of a graphics tablet, a keyboard, a joystick and a microphone as required by claim 9 (17-19 Fig 1, Col 4 Lines 15-16, Col 4 Line 58-Col 5 Line 6). King teaches the benefit of the system is the ability to provide annotation editing without having to permanently modify the original video (Col 1 Lines 36-56, Col 2 Lines 2-15). King does teach the combining of the annotations and video data for display (Col 3 Lines 2-8).

King does not teach permanently modifying the video frame information corresponding to the designated video frame portion.

As shown in Figure 1, Frank teaches an editing system (20) which is used to enhance incoming video images and storing the enhanced video images (Col 2 Lines 18-21 and Lines 29-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording means of Frank with the annotation device of King in order to record the annotated playback video as taught by Frank (Col 2 Lines 38-40).

Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over King and Frank in view of US Patent 6,507,696 to Chung et al.

[claims 5 and 25]

King and Frank teach the tool kit of claim 1 and method of claim 21 as shown above. King further teaches the kit provides an add verbal command and an add graphic command (Col 5 Lines 32-51, Fig. 2). King does not teach the use of a linking tool that links the designated portion to a vista point that provides an enhanced view of a corresponding portion of the designated portion.

Chung teaches the use of providing the user with several options while viewing a digital video. One option is to view an enhanced video (Viewing Angle, Color Adjust) (Col 3 Line 45-Col 4 Line 6, Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vista point commands (chapter jump and viewing angle) of Chung with the system of King and Frank in order to provide more options to the viewer while watching a digital video.

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Claims 2, 3, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over King and Frank in view of Chung and US Patent 6,144,375 to Jain et al.

[claims 2, 3, 22 and 23]

As shown above, King and Frank teach the tool kit of claim 1. King further teaches the additional effects include a verbal or textual commentary effect, frame freeze effect (pause), and frame drawing effect (Col 5 Lines 7-18 and 32-52, Fig. 2). King does not teach the zoom effect or the color correction effect.

Chung teaches the use of providing the user the option to change Viewing Angle and Color Adjust (Col 3 Line 45-Col 4 Line 6, Figs 2 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vista point commands (chapter jump and viewing angle) of Chung with the system of King and Frank in order to provide more options to the viewer while watching a digital video.

Though Chung teaches an angle effect, Chung does not teach the zoom effect.

Jain teaches the highlight creation system in which the user can zoom in on an image (406) and display the zoomed image along with media related to the image in a separate window (402) as required by claim 3 (Col 16 Lines 39-43, Col 20 Lines 6-11, Col 24 Lines 6-24 and 58-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the zoom feature of Jain with the system of King, Frank and Chung in order to provide a user with a close up image of a scene along with audio commentary as taught by Jain.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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